

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIVA AVIKAIDA ISRAEL,
Plaintiff,
v.
RABBI SHMARY, et al.,
Defendants.

No. 2:21-cv-0262-TLN-EFB P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in an action brought under 42 U.S.C. § 1983. On January 19, 2022, the court informed plaintiff that she could proceed with certain claims against defendants Brownstein, Eshelman, Muhammed, Safanov, Lainez, Richey, and Lee, *or* she could file an amended complaint in an effort to also state claims against defendants Warden Covello, Chief Deputy Warden Holmes, Assistant Wardens Williams and Huser, and CDCR Secretary Kathleen Allison. ECF No. 28. Plaintiff has elected not to amend her complaint and to proceed only with the claims identified by the court. ECF No. 29.

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Accordingly, IT IS RECOMMENDED that plaintiff's claims against defendants Warden Covello, Chief Deputy Warden Holmes, Assistant Wardens Williams and Huser, and CDCR Secretary Kathleen Allison be dismissed without prejudice.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections
9 within the specified time may waive the right to appeal the District Court’s order. *Turner v.*
10 *Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

11 | Dated: February 2, 2022.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE